

3149 Page Street
Redwood City, California 94063
10 January 2002

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530-0001

Re: Microsoft Settlement

Dear Ms Hesse,

As a home and office computer user, I'm writing to express several concerns with the proposed settlement. The "PLAINTIFF LITIGATING STATES' REMEDIAL PROPOSALS" dated December 7, 2001, are excellent; I would focus on a few points.

My first concern is in article III (Prohibited Conduct) section B, paragraph 3: "market development agreements". Did not such market development agreements provide the means by which Microsoft illegally leveraged its operating systems monopoly into other areas?

A second concern is in III,J,1, where Microsoft is excused from disclosing anything that might compromise "security". This is far too broad an exemption! You may be aware that Microsoft altered the Kerberos security protocol in undocumented ways. Does not this clause allow them to keep those modifications hidden in the name of security? In fact, this exemption would allow them to continue excluding non-Microsoft servers.

Indeed, as CNET News analyst John Borland says,

Despite those restrictions, the agreement would not force Microsoft to change its own software—a critical omission that critics say makes the deal relatively toothless. The provision would allow the new XP operating system to remain as is, and it would allow Microsoft to continue to add new features that compete with independent companies' products, such as audio and video players, instant messaging, or voice telephony features. That means Microsoft would retain its platform for putting virtually any software function only a mouse-click away from consumers.¹


Finally, having read through Judge Jackson's Findings of Fact, and the order from the Court of Appeals, I find it offensive in the extreme that "this Final Judgment does not constitute any admission by any party regarding any issue

¹<http://www.adnetindia.com/news/specials/mstrial/stories/42900.html>

of fact or law" (preamble of Proposed Final Judgment). The Appellate court upheld Judge Jackson's findings of fact, and they also agreed unanimously that Microsoft illegally leveraged their monopoly power in Operating Systems into other areas.

Thank you for your attention.

Very truly yours


Collin Park

Reply fax

360-351-0021